EXHIBIT 8

In the Matter Of:

FREEMAN v

DEEBS-ELKENANEY

CAROLE CHASKI, PH.D.

September 28, 2023

LEXITAS™

20

1   DR. CHASKI (9/28/2023)

2   the works were created independently; do

3   you understand that?

4   A.   Yes.

5   Q.   And my understanding is that is

6   an issue that you are offering an opinion

7   on, probative similarities?

8   A.   Yes.

9   Q.   As I just defined it?

10   A.   Yes. I am offering statistical

11   expectation with regard to similarities.

12   Q.   There's a separate concept in

13   copyright law called "substantial

14   similarity"; are you familiar with that?

15   A.   No.

16   Q.   One definition of substantial

17   similarity is that it addresses whether an

18   average observer would find that the

19   allegedly infringing work is substantially

20   similar to the plaintiff's work; does that

21   make sense?

22   A.   Yes.

23   Q.   My question is, is substantial

24   similarity an issue that you are offering

25   an opinion on?

21

1   DR. CHASKI (9/28/2023)

2   MR. DONIGER: I'm going to

3   object as calling for speculation,

4   lacking foundation, potentially

5   calling for the mental impressions

6   and opinions of counsel. As I noted

7   yesterday, her testimony is what it

8   is. The facts that she found are

9   what they are, how we use those and

10   what we argue out of them is

11   attorney, you know, mental

12   impressions and opinions.

13   If the witness knows how her

14   testimony will be used based on

15   conversations with counsel about

16   their mental impressions and

17   opinions, I'm going to instruct her

18   not to answer. If she has some other

19   basis to answer, she can go ahead.

20   A.   I don't think my report

21 addresses substantial similarity in terms

22 of the -- of -- as I understand it now,

23 Mr. Halperin, in terms of estimating how an

24 average reader would read these books.

25   Q.   Do you consider yourself to be